

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

AMENDED JUDGMENT IN A CIVIL CASE

Michael A. Ross

VS.

9:05-cv-1112 (FJS/GHL)

Robert Wood, Superintendent; Jackie Kelly; and Bennett

Decision by Court. This action came to a motion hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That pursuant to a Mandate issued by the United States Court of Appeals, Second Circuit, the judgment is hereby modified.

As plaintiff argued on appeal that the defendants are liable for his losses under a theory of fraudulent misrepresentation, he has abandoned his constitutional claims under 42 U.S.C. § 1983, leaving just the fraudulent representation claim, which is an issue of state law. Judgment has previously been entered dismissing all federal claims without explicitly addressing any pendent state law claims.

Therefore, the original judgment is modified to clarify that the dismissal of any asserted state law claim is based on a lack of jurisdiction.

DATED: April 12, 2011


Clerk of Court

s/

Barbara J. Woodford
Deputy Clerk